

IN RE: PETITION FOR VARIANCE
N/S Virginia Avenue, 330' E of
the c/l of Brian Street
(2908 Virginia Avenue)
13th Election District
1st Councilmanic District

Greg W. Brant, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-452-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 2908 Virginia Avenue, located in the community of Baltimore Highlands in Halethorpe. The Petition was filed by the owners of the property, Greg W. and Phyllis A. Brant. The Petitioners seek relief from Section 415.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two recreational vehicles on the subject property in lieu of the permitted one. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Greg and Phyllis Brant, property owners, and their two boys. There were no Protestants present at the hearing, however, a letter of opposition was received from the Greater Baltimore Highlands Community Association.

Testimony and evidence offered revealed that the subject property consists of 6,250 sq.ft., more or less, zoned D.R. 5.5 and is improved with a single family dwelling. The Petitioners have requested the variance to store a 24-foot Aquasport fishing boat on a trailer and a camper cap that fits onto the bed of Mr. Brant's pick-up truck. Testimony indicated that the Petitioners have stored these vehicles on their property for many years without any complaint and that the family uses both the

ORDER RECEIVED FOR FILING

Date

By

7/21/95
[Signature]
MICROFILMED

boat and camper cap for recreational activities on a regular basis. Mr. Brant testified that his boat is kept on the trailer which is pulled behind his truck, and that both the boat and camper are stored in the rear yard. The Brants testified that both items are well-maintained and are not an eyesore. They further testified that they have spoken with their neighbors on both sides of their property who have no objections to their storing the subject two recreational vehicles on their property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if strict compliance with the regulations is required. The Petitioners

testified that they have stored these two recreational vehicles on their property for many years without prior complaint. Furthermore, none of the neighbors who would be most affected by the variance appeared in opposition. It appears that the relief requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R. However, the granting of this variance is limited to the two recreational vehicles the Petitioners presently own. In the event a replacement vehicle is found to be necessary, the replacement must be of the same size and type as that which presently exists, or the Petitioners must be in compliance with the regulations in effect at that time.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of July, 1995 that the Petition for Variance seeking relief from Section 415.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two recreational vehicles on the subject property in lieu of the permitted one, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) The relief granted herein is limited to two recreational vehicles the Petitioners presently own, namely, the 24-foot Aquasport fishing boat on the trailer and the camper cap that fits onto the pick-up truck. In the event the Petitioners wish to replace either recreational vehicle, the replacement must be the same size and of a similar type. Otherwise, the Petitioners must be in compliance with the zoning regulations in effect at that time, or a Petition for Special Hearing

ORDER RECEIVED FOR FILING
Date 7/21/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 21, 1995

Mr. & Mrs. Greg Brant
2908 Virginia Avenue
Baltimore, Maryland 21227

RE: PETITION FOR VARIANCE
N/S Virginia Avenue, 330' E of the c/l of Brian Street
(2908 Virginia Avenue)
13th Election District - 1st Councilmanic District
Greg W. Brant, et ux - Petitioners
Case No. 95-452-A

Dear Mr. & Mrs. Brant:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Marjorie Miller, President
The Greater Baltimore Highlands Community Association
P.O. Box 18213, Baltimore, Md. 21227

People's Counsel

File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2908 Virginia Ave
which is presently zoned DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 415.A.1; BCZR, TO PERMIT

2 ~~SURE~~ TWO RECREATIONAL VEHICLES ON A RESIDENTIAL
LOT IN LIEU OF THE PERMITTED ONE.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) I realize there has to be zoning regulations, but it would be a great hardship if we had to store our Camper, we couldn't afford to store it. We use the Camper alot to take our 2 children camping & fishing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Greg Warren Brant
(Type or Print Name)

Greg Warren Brant
Signature

Phyllis Ann Brant
(Type or Print Name)

Phyllis Ann Brant
Signature

2908 Virginia Ave 410 789-5273
Address Phone No.

Baltimore md 21227
City State Zipcode

Name, Address and phone number of representative to be contacted.

GREG BRANT
Name

SAME
Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

6-7-95

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink
on Recycled Paper



444

Zoning Description

95-452-A

Zoning description for: 2908 Virginia Ave.

Beginning at a point on the North Side of Virginia Ave. which is 20' wide at the distance of 330' East of the Centerline of the nearest improved intersecting Street:

Brian Street; which is 38' wide.

Being Lot[#] 131 & 132 in the Subdivision of Baltimore Highlands as recorded in Baltimore County

Plat Book # 2/379. Also Known as 2908 Virginia Ave. and located in the 13 Election District,

1 Councilmanic District.

444

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-452-A

District 13th

Date of Posting 6/16/95

Posted for: Variance

Petitioner: Grog & Phyllis Brant

Location of property: 7908 Virginia Ave, N/S

Location of Signs: Facing road way on property being zoned.

Remarks: _____

Posted by M. J. [Signature]

Signature

Date of return: 6/23/95

Number of Signs: 1



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-452-A
(Item 444)
2908 Virginia Avenue
N/S Virginia Avenue, 330'
E of c/o Brian Street
18th Election District
1st Councilmanic

Legal Owner(s):
Greg Warren Brant and
Phyllis Ann Brant
Hearing: Friday,
July 14, 1995 at 11:00
a.m. in Rm. 106, County Of-
fice Building.

Variance to permit 2 recrea-
tional vehicles on a residential
lot in lieu of the permitted 1.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.

6/26/95 June 22.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

6/22, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/22, 1995.

THE JEFFERSONIAN,

G. H. Henikson
LEARN AD. - TOWSON
LEARN AD. - TOWSON

LEARN AD. - TOWSON
LEARN AD. - TOWSON



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

444

receipt
95-452-A

Account: R-001-6150

Number

Date

6-7-95

GREG BRANT

2908 VIRGINIA
Ave.

VAR. (010)

50.00

POSTING (080)

35.00

85.00

[Signature]

026028047804111111

185.00

BA 001177P006-07-95

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.


ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 444
Petitioner: Phyllis Brant
Location: 2908 Virginia Ave Balto. Md. 21227

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Phyllis Brant
ADDRESS: Same

PHONE NUMBER: 410-789-5273

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
June 22, 1995 Issue - Jeffersonian

Please forward billing to:

Phyllis Brant
2908 Virginia Avenue
Baltimore, MD 21227
789-5273

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-452-A (Item 444)
2908 Virginia Avenue
N/S Virginia Avenue, 330' E of c/l Brian Street
13th Election District - 1st Councilmanic
Legal Owner(s): Greg Warren Brant and Phyllis Ann Brant
HEARING: FRIDAY, JULY 14, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance to permit 2 recreational vehicles on a residential lot in lieu of the permitted 1.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

WILLIAMSON

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 15, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-452-A (Item 444)

2908 Virginia Avenue

N/S Virginia Avenue, 330' E of c/l Brian Street

13th Election District - 1st Councilmanic

Legal Owner(s): Greg Warren Brant and Phyllis Ann Brant

HEARING: FRIDAY, JULY 14, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance to permit 2 recreational vehicles on a residential lot in lieu of the permitted 1.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Greg and Phyllis Brant

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 7, 1995

Mr. and Mrs. Greg Brant
2908 Virginia Avenue
Baltimore, Maryland 21227

RE: Item No.: 444
Case No.: 95-452-A
Petitioner: G. W. Brant, et ux

Dear Mr. and Mrs. Brant:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 7, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: June 15, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 2908 Virginia Avenue

INFORMATION:

Item Number: 444

Petitioner: Brant Property

Property Size: _____

Zoning: DR-5.5

Requested Action: Administrative Variance

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit two recreational vehicles in lieu of the permitted one such vehicle.

While staff does not oppose the applicant's request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject variance.

Prepared by: Jeffrey M. Long

Division Chief: Carol Kern

PK/JL



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-13-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 444 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

Jw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 06/14/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JUNE 19, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 441, 442, 443, 444, 445, 446,
447, 448 AND 449.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: June 26, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for June 26, 1995
Items 436, 437, 438, 441, 442, 444, 445, 446
447 and 449

The Developers Engineering Section has reviewed
the subject zoning item and we have no comments.

RWB:sw

MICROFILMED

DATE: June 7, 1995

TO: Hearing Officer

FROM: Joseph C. Merrey
Planner I, ZADM

SUBJECT: Item #444
2908 Virginia Avenue

JCM:scj

RE: PETITION FOR VARIANCE
2908 Virginia Avenue, N/S Virginia Ave.,
330' E of c/l Brian Street, 13th
Election District, 1st Councilmanic

Greg W. and Phyllis A. Brant
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-452-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of June, 1995, a copy of the foregoing Entry of Appearance was mailed to Greg W. and Phyllis A. Brant, 2908 Virginia Avenue, Baltimore, MD 21227, Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Marjorie Miller

3010 Vermont Ave.
Baltimore, MD 21227
410-789-9260
FAX: 410-636-2186

FAX TRANSMISSION COVER SHEET

DATE: 2/16/95

TO: zoning Commissioner Lawrence Schmidt

FAX: 887-5708

SUBJECT: Variance request for 2908 Virginia Avenue

SENDER Marjorie Miller

YOU SHOULD RECEIVE 2 PAGE(S), INCLUDING TO THIS COVER SHEET.
IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 410-636-2186

Mrs. Schmidt,

I can be reached at 881-1488 during
day time hours and in the evening at the
above telephone number.

Marjorie Miller



GBHCA

UNITY-PROGRESS-SAFETY

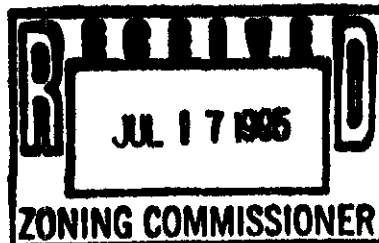
Greater Baltimore Highlands Community Association

P.O. Box 18213
Baltimore, Maryland 21227

Sim
95-452-A

July 10, 1995

Mr. Lawrence Schmidt
Zoning Commissioner
Baltimore County
400 Washington Street
Towson, Maryland 21204



Dear Mr. Schmidt,

The Greater Baltimore Highlands Community Association is protesting a request for variance to allow two recreational vehicles to be parked at 2908 Virginia Avenue in Baltimore Highlands. At the present time, this particular home owner has one camper parked appropriately on his property. We feel if such a variance is granted, it will open a PANDORA'S BOX. Such action will set a precedent. It will defeat our purpose of trying to improve our neighborhood.

We have been working diligently with the Department of Planning and Zoning to encourage residents to park their recreational vehicles within the zoning guidelines. Some residents have refused to comply with the existing ordinances.

Our community association has also been working for revitalization of Annapolis Road under the direction of Mr. David Fields, Community Conservation Co-ordinator.

We feel that any action on your part to grant a variance of this type, would create a set back for our community.

Thank you for your anticipated co-operation.

Respectfully,

Marjorie Miller

Marjorie Miller
President
Greater Baltimore Highlands
Community Association

cc. Mr. Arnold Jablon
Mr. David Fields
Honorable C.A. Dutch Ruppertsberger
Honorable Stephen Moxley

MICROFILMED

Petition for Variance

2908 Virginia Ave

owner Greg + Phyllis Brant
subdivision Baltimore Highlands
Plat 2/379 Lot 131-132

RL 648 B+A Blvd

Brown St

Virginia Ave

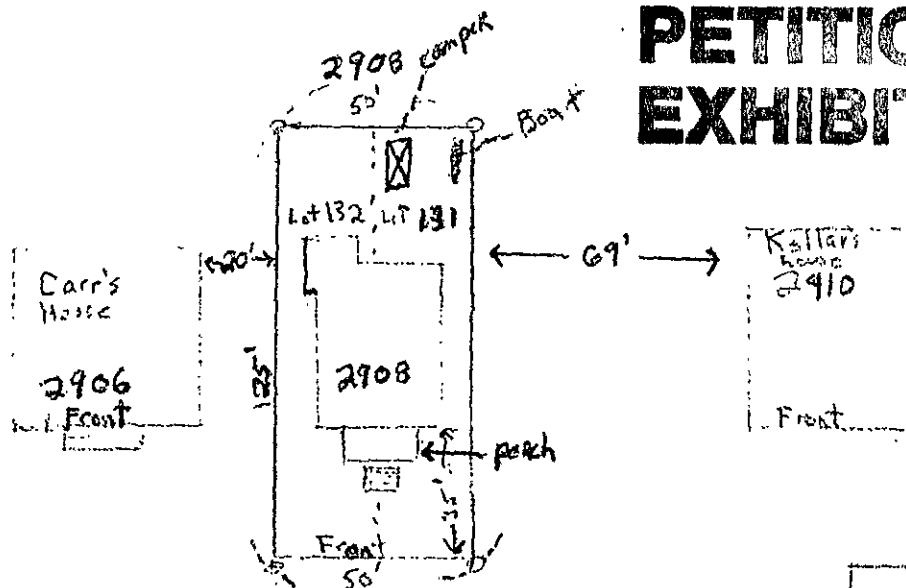


Subject property

Vicinity Map 1"=100'

95-452-A

PETITIONER'S EXHIBIT NO. 1



Virginia Ave (39' R/W)

Scale 1" = 50'

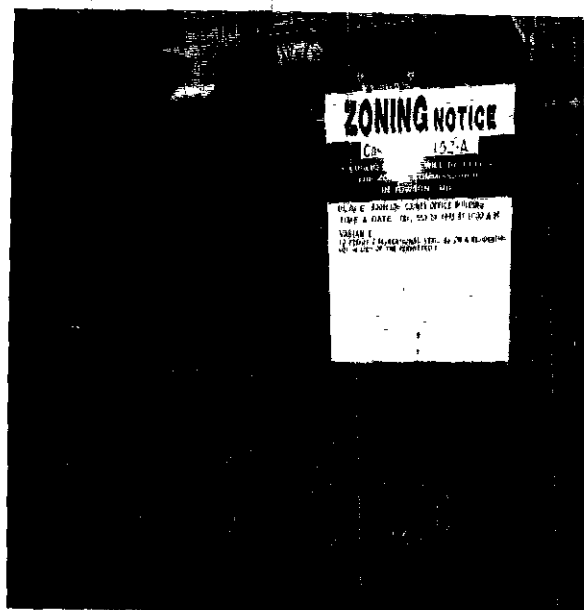
DATE 6-1-95
prepared by GWB

MICROFILMED

444

Water Public
Sewer Public
Council - 1
Cor AREA 6250'4
Election Dist - 13
Zoning S.W. 6B
Chesapeake Bay Critical
Area - No
Lot 131-132
Plat 2/379

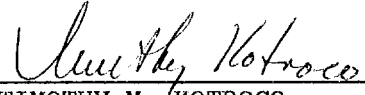
95-452-A



4/52

to determine the appropriateness of storing a larger recreational vehicle on the property will be required.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER PREPARED FOR FILING
DATE 5/6/16
BY [Signature]

APPROVED & SIGNED



THIS MAP HAS BEEN REPRODUCED IN SELECTED AREAS.
 REPRODUCED BY PHOTOGRAPHIC METHODS.
 BALTIMORE COUNTY, MD. 21210

1992 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 15, 1992

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 15, 1992

DATE OF PHOTOGRAPHY
 JANUARY 1986

MONUMENTAL
 BALTIMORE
 HIGHLANDS

DATE OF PHOTOGRAPHY
 JANUARY 1986

MONUMENTAL
 BALTIMORE
 HIGHLANDS

IN RE: PETITION FOR VARIANCE
N/S Virginia Avenue, 330' E of
the c/l of Brian Street
(2908 Virginia Avenue)
13th Election District
1st Councilmanic District
Greg W. Brant, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-452-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 2908 Virginia Avenue, located in the community of Baltimore Highlands in Halethorpe. The Petition was filed by the owners of the property, Greg W. and Phyllis A. Brant. The Petitioners seek relief from Section 415.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two recreational vehicles on the subject property in lieu of the permitted one. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Greg and Phyllis Brant, property owners, and their two boys. There were no Protestants present at the hearing, however, a letter of opposition was received from the Greater Baltimore Highlands Community Association.

Testimony and evidence offered revealed that the subject property consists of 6,250 sq.ft., more or less, zoned D.R. 5.5 and is improved with a single family dwelling. The Petitioners have requested the variance to store a 24-foot Aquasport fishing boat on a trailer and a camper cap that fits onto the bed of Mr. Brant's pick-up truck. Testimony indicated that the Petitioners have stored these vehicles on their property for many years without any complaint and that the family uses both the

boat and camper cap for recreational activities on a regular basis. Mr. Brant testified that his boat is kept on the trailer which is pulled behind his truck, and that both the boat and camper are stored in the rear yard. The Brants testified that both items are well-maintained and are not an eyesore. They further testified that they have spoken with their neighbors on both sides of their property who have no objections to their storing the subject two recreational vehicles on their property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if strict compliance with the regulations is required. The Petitioners

testified that they have stored these two recreational vehicles on their property for many years without prior complaint. Furthermore, none of the neighbors who would be most affected by the variance appeared in opposition. It appears that the relief requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R. However, the granting of this variance is limited to the two recreational vehicles the Petitioners presently own. In the event a replacement vehicle is found to be necessary, the replacement must be of the same size and type as that which presently exists, or the Petitioners must be in compliance with the regulations in effect at that time.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of July, 1995 that the Petition for Variance seeking relief from Section 415.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two recreational vehicles on the subject property in lieu of the permitted one, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted herein is limited to two recreational vehicles the Petitioners presently own, namely, the 24-foot Aquasport fishing boat on the trailer and the camper cap that fits onto the pick-up truck. In the event the Petitioners wish to replace either recreational vehicle, the replacement must be the same size and of a similar type. Otherwise, the Petitioners must be in compliance with the zoning regulations in effect at that time, or a Petition for Special Hearing

to determine the appropriateness of storing a larger recreational vehicle on the property will be required.
3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 7/23/95
By 2073

ORDER RECEIVED FOR FILING
Date 7/23/95
By 2073

ORDER RECEIVED FOR FILING
Date 7/23/95
By 2073

ORDER RECEIVED FOR FILING
Date 7/23/95
By 2073

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

July 21, 1995

(410) 887-4386

Mr. & Mrs. Greg Brant
2908 Virginia Avenue
Baltimore, Maryland 21227

RE: PETITION FOR VARIANCE
N/S Virginia Avenue, 330' E of the c/l of Brian Street
(2908 Virginia Avenue)
13th Election District - 1st Councilmanic District
Greg W. Brant, et ux - Petitioners
Case No. 95-452-A

Dear Mr. & Mrs. Brant:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TNR:bjs

cc: Ms. Marjorie Miller, President
The Greater Baltimore Highlands Community Association
P.O. Box 18213, Baltimore, Md. 21227

People's Counsel
File

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 2908 Virginia Ave
which is presently zoned DR-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 415.A.1; BCZR, TO PERMIT
3 RECREATIONAL VEHICLES ON A RESIDENTIAL
LOT IN LIEU OF THE PERMITTED ONE.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) I realize there has to be zoning regulations, but it would be a great hardship if we had to store our camper, we couldn't afford to store it. We use the camper a lot to take our 2 children camping + fishing.
Property is to be posted and advertised as prescribed by Zoning Regulations.
I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Leasee:

Type or Part Name

Signature

Address

City State Zipcode

Attorney for Petitioner:

Type or Part Name

Signature

Address

City State Zipcode

Printed with Soybean Ink on Recycled Paper

Legal Owner(s):

Greg Warren Brant

(Type or Part Name)

Greg Warren Brant

(Signature)

Phyllis Ann Brant

(Type or Part Name)

Phyllis Ann Brant

(Signature)

2908 Virginia Ave 410 789-5273

Address

Baltimore Md 21227

City State Zipcode

Name Address and phone number of representative to be contacted.

GPEL BRANT

Address

SAME

Phone No.

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following date _____ Next Two Months

ALL OTHER

REVIEWED BY: gms DATE: 6-7-95

ORDER RECEIVED FOR FILING
Date 7/23/95
By 2073

Zoning Description

95-452-A

Zoning description for: 2908 Virginia Ave.

Beginning at a point on the North Side of Virginia Ave. which is 20' wide at the distance of 330' East of the center line of the nearest improved intersecting Street: Brian Street; which is 38' wide. Being Lot #131 & 132 in the subdivision of Baltimore Highlands as recorded in Baltimore County Plat Book # 2/379. Also known as 2908 Virginia Ave. and located in the 13 Election District, 1 Councilmanic District.

444

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1306 Date of Posting: 6/16/95

Posted for: Variances

Petitioner: Greg & Phyllis Brant

Location of property: 2908 Virginia Ave. H+H

Location of Sign: Facing road way on property being zoned

Remarks: _____

Posted by: [Signature] Date of return: 6/23/95

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 6/22, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/22, 1995.

THE JEFFERSONIAN,

[Signature]

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein at Room 116 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 116, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 at 11:00 a.m. on July 14, 1995 at 11:00 a.m. in the 13th County Office Building.

Case: #95-452-A (Item 444)
2908 Virginia Avenue, 330' E of Brian Street, 13th Election District, 1st Councilmanic District

Greg Warren Brant and Phyllis Ann Brant
Hearing: Friday, July 14, 1995 at 11:00 a.m. in the 13th County Office Building.


Variance to permit 2 recreational vehicles on a residential lot in lieu of the permitted 1.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (Hearings are Hand-capped Accessible for special needs. Please Call 887-3351 for information concerning the file and hearing. Please Call 887-3351.

2025 June 22

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 15, 1995

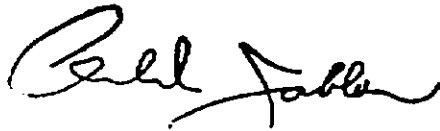
NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or

Room 118, old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-452-A (11ae 444)
2908 Virginia Avenue
W/S Virginia Avenue, 330' E of c/l Brian Street
13th Election District - 1st Councilmanic
Legal Owner(s): Greg Warren Brant and Phyllis Ann Brant
HEARING: FRIDAY, JULY 14, 1995 at 11:00 a.m. in Room 106, County Office Building.


Variance to permit 2 recreational vehicles on a residential lot in lieu of the permitted 1.



Arnold Jablon
Director

cc: Greg and Phyllis Brant

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO FR. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

 Printed with Soybean Ink

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 26, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for June 26, 1995
Items 436, 437, 438, 441, 442, 444, 445, 446
447 and 449

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: June 7, 1995

TO: Hearing Officer

FROM: Joseph C. Merrey
Planner I, ZADM

SUBJECT: Item #444
2908 Virginia Avenue

The enclosed site plan is petitioner's second attempt. They have been shown the checklist and site plan example - deficiencies were noted.

JCM:scj

RE: PETITION FOR VARIANCE
2908 Virginia Avenue, N/S Virginia Ave.,
330' E of c/l Brian Street, 13th
Election District, 1st Councilmanic

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Greg W. and Phyllis A. Brant
Petitioners

CASE NO. 95-452-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Charles S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of June, 1995, a copy of the foregoing Entry of Appearance was mailed to Greg W. and Phyllis A. Brant, 2908 Virginia Avenue, Baltimore, MD 21227, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

07-10 55 05122

711 410 828 2182

PAGE 1

Marjorie Miller

3010 Vermont Ave.
Baltimore, MD 21227
410-789-9260
FAX: 410-636-2186

FAX TRANSMISSION COVER SHEET

DATE: 7/16/95

TO: Zoning Commissioner Lawrence Schmidt

FAX: 887-5708

SUBJECT: Variance request for 2908 Virginia Avenue

SENDER: Marjorie Miller

YOU SHOULD RECEIVE 2 PAGES(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 410-636-2186

Mr. Schmidt
I can be reached at 887-1488 during
daytime hours and on the evening at the
home telephone number.
Marjorie Miller



Greater Baltimore Highlands Community Association

P.O. Box 19213
Baltimore, Maryland 21227

July 10, 1995

Mr. Lawrence Schmidt
Zoning Commissioner
Baltimore County
400 Washington Street
Towson, Maryland 21204

Dear Mr. Schmidt,

The Greater Baltimore Highlands Community Association is protesting a request for variance to allow two recreational vehicles to be parked at 2908 Virginia Avenue in Baltimore Highlands. At the present time, this particular home owner has the camper parked appropriately on his property. We feel if such a variance is granted, it will open a PANDORA'S BOX. Such action will set a precedent. It will defeat our purpose of trying to improve our neighborhood.

We have been working diligently with the Department of Planning and Zoning to encourage residents to park their recreational vehicles within the zoning guidelines. Some residents have refused to comply with the existing ordinances.

Our community association has also been working for revitalization of Annapolis Road under the direction of Mr. David Fields, Community Conservation Co-ordinator.

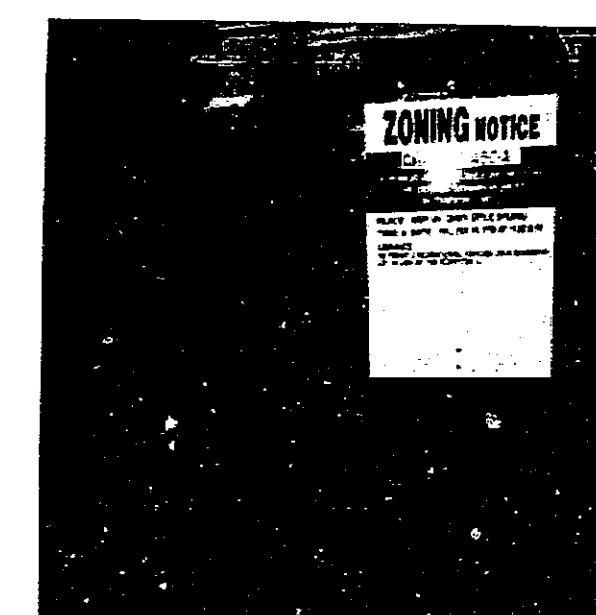
We feel that any action on your part to grant a variance of this type, would create a setback for our community.

Thank you for your anticipated co-operation.

Respectfully,

Marjorie Miller
Marjorie Miller
President
Greater Baltimore Highlands
Community Association

cc. Mr. Arnold Jablon
Mr. David Fields
Honorable C.A. Dutch Ruppertsberger
Honorable Stephen Woxley



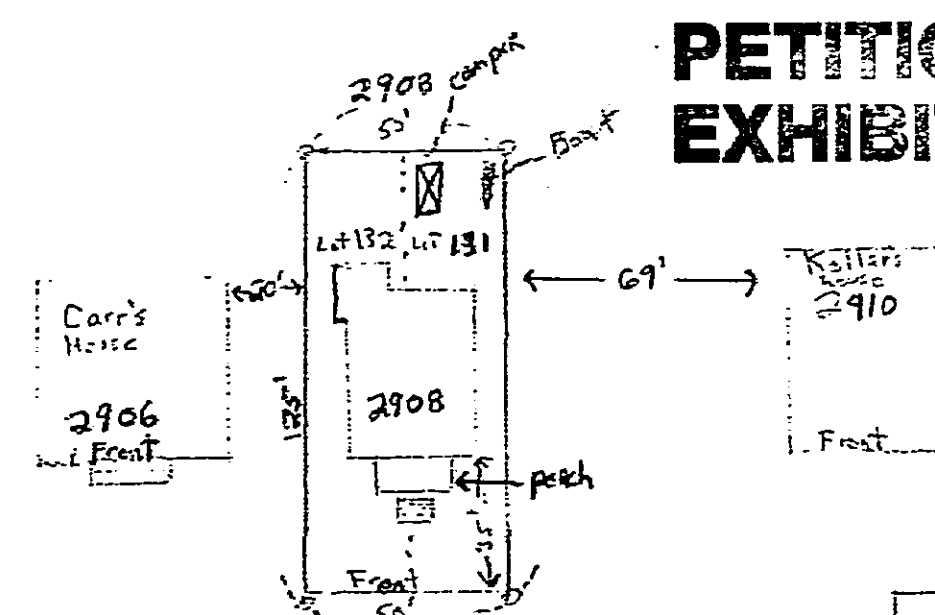
Petition for Variance
2908 Virginia Ave
owner Greg & Phyllis Brant
Suburban Baltimore Highlands
Plot 2/37? Lot 131-132

At CHA B+A Blvd
Brian St
Virginia Ave
Subject property

Nearby Map

95-452-A

PETITIONER'S
EXHIBIT NO. 1

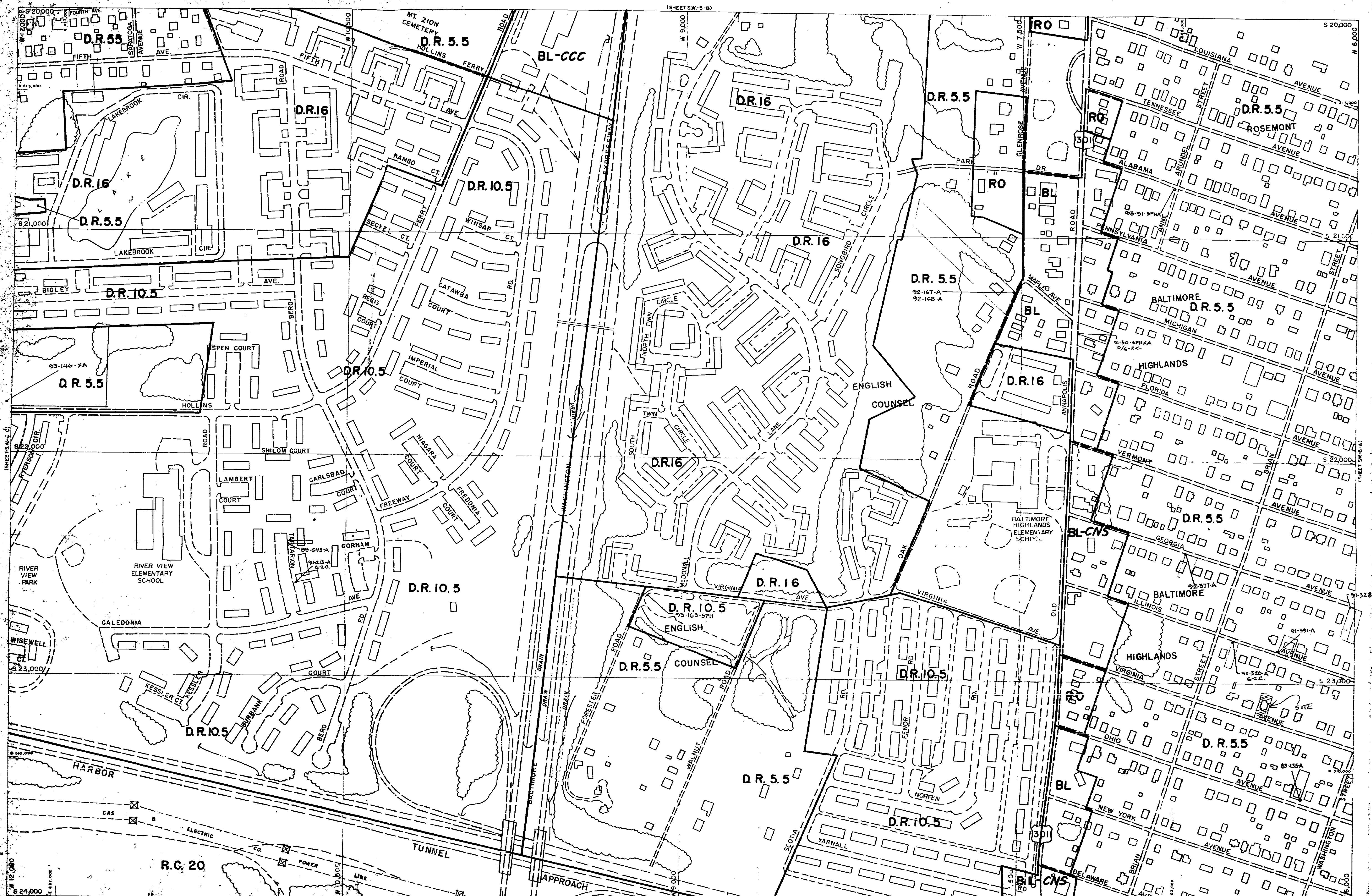


Virginia Ave (37' R/W)

DATE 6-1-95
prepared by GWS

Scale 1" = 50'

Water Public
Sewer Public
Council - 1
Cor Area 62504
Election Dist-13
Zoning S.W. GB
Chesapeake Bay Central
Area - No
Lot 131-132
Plot 2/379



1988 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 15, 1988
 Ord. Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
 BY BRUCHART-KORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 15, 1992
 Ord. Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

William Howard
 Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200' ±	MONUMENTAL BALTIMORE HIGHLANDS	S.W 6-B
DATE OF PHOTOGRAPHY		
JANUARY 1986		